

BRIAN J. STRETCH (CABN 163973)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

AARON D. WEGNER (CABN 243809)
Assistant United States Attorney
1301 Clay St., 3rd Floor
Oakland, California 94612
Telephone: (510) 637-3740
Fax: (510) 637-3724
aaron.wegner@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | CASE NO. 4-16-70812 MAG |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED ORDER TO |
| |) | CONTINUE HEARING AND EXCLUDE TIME |
| v. |) | UNDER SPEEDY TRIAL ACT AND RULE 5.1 |
| |) | FROM JULY 6, 2016 TO AUGUST 23, 2016 |
| Sergio MARTINEZ-MAGANA, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

STIPULATION

Defendant Sergio MARTINEZ-MAGANA is charged by complaint in the above-referenced matter with conspiracy to distribute and to possess with the intent to distribute controlled substances. The government will be producing discovery in this matter within the next few days. The defendant hereby requests additional time before the preliminary hearing to allow defense counsel an opportunity to review the discovery and confer with his in-custody client and the government regarding a potential disposition of the case.

STIP. AND [PROPOSED] ORDER RESCHEDULING PRELIMINARY HRG. AND EXCLUDING TIME
4-16-70812 MAG

The preliminary hearing in this matter is presently scheduled on July 6, 2016, and the parties hereby request that it be continued to August 23, 2016. The parties make this request to allow for reasonable time for the effective preparation of counsel. For all of the reasons stated, the parties believe that good cause exists to exclude and waive time under Federal Rule of Criminal Procedure 5.1(c) and (d) from July 6, 2016 through August 23, 2016, taking into account the public interest in the prompt disposition of a criminal case and the defendant's consent, and to exclude time under the Speedy Trial Act. 18 U.S.C. § 3161.

IT IS SO STIPULATED.

DATED: July 5, 2016

Respectfully submitted,
BRIAN J. STRETCH
United States Attorney

/s/
AARON D. WEGNER
Assistant United States Attorney

/s/
ANTHONY LOWENSTEIN
Counsel for Sergio MARTINEZ-MAGANA

~~[PROPOSED]~~ ORDER

For the reasons stated by the parties, the Court finds that the aforementioned request is supported by good cause and made with the consent of Defendants. Fed. R. Crim. Proc. 5.1(c) and (d). The Court therefore finds that an exclusion of time between July 6, 2016 through August 23, 2016, is merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and the Speedy Trial Act under 18 U.S.C. § 3161 and moves the date of the preliminary hearing to August 23, 2016.

IT IS SO ORDERED.

DATED: July 5, 2016


HON. DONNA M. RYU
United States Magistrate Judge